

Government of the District of Columbia

ZONING COMMISSION



Zoning Commission Order No. 517-B **Case No. 85-16F/84-20P - Donohoe PUD** **(PUD Modification for 5335 Wisconsin Avenue, N.W. -** **Chevy Chase Pavilion)**

September 14, 1998

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia was held on June 8, 1998. At the meeting, the Zoning Commission approved an application from the S.I. Chevy Chase Inc. for a minor modification to an approved planned unit development (PUD) for property at premises 5335 Wisconsin Avenue, N.W., pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30, of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. Because the modifications were deemed minor, a public hearing was not conducted.

The Commission determined that this modification request is properly before it under the provisions of Sections 2409.0 and 3030 of the Zoning Regulations

FINDINGS OF FACT

By Z.C. Order No. 517, dated May 14, 1990, the Zoning Commission granted final approval of the mixed-use development (the "Chevy Chase Pavilion Project").

The Chevy Chase Pavilion Project was originally designed and approved in conjunction with two adjacent PUDs. Each of the three adjacent PUDs contained underground garages that interconnected with the underground garages of the adjacent PUD project(s). Furthermore, each of the three PUD projects included entrances and exits to the interconnected garages. The Zoning Commission determined in Order No. 517 that upon completion of the three approved PUD projects, not all of the entrances and exits would be needed. The Commission determined that the Military Road access to the Chevy Chase Pavilion Project should be converted from two-way access (entrance and exit) to a one-way entrance only, upon the development of all the PUDs.

The subject modification is requested with respect to Condition No. 9 of Order No. 517 to allow the existing Military Road entrance/exit into the Chevy Chase Pavilion PUD Project to continue to serve as both an entrance and an exit.

The Zoning Commission recently approved an amendment for the only one of the three PUDs that had not be constructed (McCaffery PUD; Z.C. Order No. 824, Case No. 96-13M). The

McCaffery PUD included an underground parking garage that was to be connected to the adjacent Chevy Chase Pavilion Project garage. However, modified PUD did not include any entrances or exits to the interconnected garages. Instead, it will rely on the existing entrances and exits provided by the other two PUD projects. Because of a concern that there may not be an adequate number of exits from the garages, the Zoning Commission determined that the Military Road access to the Chevy Chase Pavilion Project should remain a two-way entrance and exit to provide adequate access.

The requested minor modification to Order No. 517 reconfirms a decision that was already made in Order No. 824 for the McCaffery PUD.

Advisory Neighborhood Commissions (ANCs) 3-E and 3-G did not provide any comments on the requested modification. Although no ANC report was filed, the Commission finds that ANC 3-E and 3-G will not be adversely affected by its action on the amended application for modification.

On June 8, 1998, at its regular monthly meeting, the Zoning Commission reviewed the application as a Consent Calendar matter and took proposed action to approve the minor modification.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Zoning Commission concludes the proposed modifications are minor and are consistent with the intent of the previously approved Zoning Commission Order No. 517. Further, the Commission believes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act.

The Zoning Commission concurs with the applicant that approving the minor modification is appropriate and not inconsistent with the intent of 11 DCMR 2409.9 and 3030.

The Zoning Commission further believes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act.

The approval of this minor modification is not inconsistent with the Comprehensive Plan for the National Capital.

The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter of right development.

The approval of these applications is not inconsistent with the Comprehensive Plan for the National Capital and the purposes of the Zoning Act.

DECISION

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia approves of the application for a minor modification of Condition No. 9 of Order No. 517 is modified so that the following sentence is deleted in its entirety:

Once the remainder of the square has been developed in accordance with the two other PUD's currently pending before the Commission, traffic shall flow through the through-block connector and the access presently provided on Military Road will be converted to a one-way entrance into the project.

Vote of the Zoning Commission taken at its public meeting on June 8, 1998. 4-0. (John G. In consideration of the finding of fact and the conclusion of law the Zoning Commission for the District of Columbia on September 14, 1998 by a vote of 5-0 (John G. Parsons, Jerrily R. Kress, Herbert M. Franklin, Angel F. Clarens and Anthony J. Hood) **APPROVES** of the application for a minor modification of an approved PUD for 5335 Wisconsin Avenue N.W.

This order was adopted by the Zoning Commission at its public meeting on September 14, 1998 by a vote of 5-0 (John G. Parsons, Jerrily R. Kress, Herbert M. Franklin, Anthony J. Hood, and Angel F. Clarens to Approve).

In accordance with the provisions of 11 DCMR 3028.8, this order shall become final and effective upon publication in the D.C. Register; that is on NOV 20 1998.



JERRILY R. KRESS, FAIA
Chairperson
Zoning Commission



SHERI M. PRUITT-WILLIAMS
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